

FORM PTO-1390 (REV. 10-2004)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 18724.008	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) To Be Assigned <div style="font-size: 1.5em; font-weight: bold; margin-top: 5px;">10/520931</div>	
INTERNATIONAL APPLICATION NO. PCT/EP2003/007551		INTERNATIONAL FILING DATE 11 July 2003		PRIORITY DATE CLAIMED 12 July 2002	
TITLE OF INVENTION: Transplant Acceptance Inducing Cells of Monocytic Origin and Their Preparation and Use					
APPLICANT(S) FOR DO/EO/US: Bernd Karl Friedrich KREMER et al.					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 					
Items 11 to 20 below concern document(s) or information included:					
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment with claims based on amended set of claims as annexed to the International Preliminary Examination Report. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information (list): 					

U.S. APPLICATION NO. (If known, see 37 CFR 1.51) To Be Assigned 10/520931		International Application No. PCT/EP2003/007551		ATTORNEY'S DOCKET NUMBER 18724.008	
21. <input checked="" type="checkbox"/> The following fees are submitted:				Applicant Use	Office Use Only
<input checked="" type="checkbox"/> a) Basic national fee..... \$300.00				\$ 300.00	
<input checked="" type="checkbox"/> b) Examination fee..... \$200.00				\$ 200.00	
<input checked="" type="checkbox"/> c) Search fee..... \$500.00				\$ 500.00	
Total of above calculations = \$1,000.00				\$ 1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$ 0.00	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
96-100=	/50=		X \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	83 - 20 =	63	x \$ 50.00	\$ 3,150.00	
Independent claims	4 - 3 =	1	x \$ 200.00	\$ 200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 360.00	\$ 360.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 4,840.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$ 4,840.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 4,840.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$4,840.00	
				Amount to be refunded:	\$
				charged:	\$

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	International Application No.	ATTORNEY'S DOCKET NUMBER
To Be Assigned	PCT/EP2003/007551	18724.008

a. ☐ A check in the amount of _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 50-2387 in the amount of \$4,840.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.


c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2387. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.496 has not been met, a petition to revive (37 CFR 1.137(a)) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 28381


SIGNATURE

Kristan L. Lansbery (Reg. No. 53,183)

Date: January 12, 2005

ARNOLD & PORTER LLP

202.942.5000
202.942.5999 Fax555 Twelfth Street, NW
Washington, DC 20004-1206

January 12, 2005

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re: U.S. National Phase Application Under 35 U.S.C. § 371
Based on International Application No. PCT/EP03/07551
International Filing Date: July 11, 2003
Application No.: To Be Assigned
Filed: Herewith
Title: *Transplant Acceptance Inducing Cells of Monocytic Origin
and Their Preparation and Use*
Applicants: Bernd Karl Friedrich KREMER *et al.*
Atty. Docket: 18724.008

Sir:

The following documents are forwarded herewith for appropriate action by the
U.S. Patent and Trademark Office (PTO):

1. Transmittal Letter to the United States Designated/Elected Office
(DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (in duplicate);
2. U.S. National Phase application consisting of specification containing 1
page of bibliographic data and published abstract from WO 2004/007701
A1 (publ. of PCT/EP03/07551), 67 pages of description prior to the
claims, 5 pages of claims (28 claims); 20 sheets of drawing (Figs. 1A-
10B);
3. a Preliminary Amendment with claims based on the Amended Set of
Claims as annexed to the International Preliminary Examination Report;
and
4. two (2) return postcards.

ARNOLD & PORTER LLP

Commissioner for Patents
Atty. Dkt.: 18724.008
January 12, 2005
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Applicants request that \$4,840.00 for the following fees be charged to Deposit Account No. 50-2387, referencing matter number 18724.008:

\$ <u>300.00</u>	basic national fee
\$ <u>200.00</u>	examination fee
\$ <u>500.00</u>	search fee
\$ <u>3,350.00</u>	excess claims fee
\$ <u>130.00</u>	surcharge for late filing of oath/declaration
\$ <u>360.00</u>	multiple dependent claims

Please stamp one of the two attached postcards with the filing date of these documents and return it to our courier, and stamp the other prepaid postcard with the filing date and unofficial application number and return it as soon as possible.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees, other than the above fees (\$4,840.00) are due in conjunction with this filing. However, if any additional fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 18724.008. A duplicate of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)
Kristan L. Lansbery (Reg. Agent No. 53,183)

Attachments

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

DSMZ
Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONAL FORM

University of Kiel
Dept. of General & Thoracic Surgery
Arnold-Heller-Str. 7
24105 Kiel

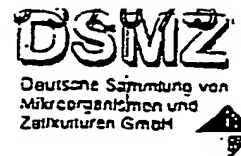
RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: GM-7	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2542
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
<p>The microorganism identified under I. above was accompanied by:</p> <p>(<input checked="" type="checkbox"/>) a scientific description (<input type="checkbox"/>) a proposed taxonomic designation</p> <p>(Mark with a cross where applicable).</p>	
III. RECEIPT AND ACCEPTANCE	
<p>This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2002-05-13 (Date of the original deposit).</p>	
IV. RECEIPT OF REQUEST FOR CONVERSION	
<p>The microorganism identified under I above was received by this International Depositary Authority on _____ (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).</p>	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
<p>Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH</p> <p>Address: Mascheroder Weg 1b D-38124 Braunschweig</p>	<p>Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):</p> <p><i>V. Weis</i></p> <p>Date: 2002-05-22</p>

SUBSTITUTE SHEET (RULE 26)

BEST AVAILABLE COPY

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE



INTERNATIONAL FORM

University of Kiel
Dept. of General & Thoracic Surgery
Arnold-Heller-Str. 7
24105 Kiel

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: University of Kiel Dept. of General & Thoracic Surgery Address: Arnold-Heller-Str. 7 24105 Kiel	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2542 Date of the deposit or the transfer: 2002-05-13
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 2002-05-13 On that date, the said microorganism was <input checked="" type="checkbox"/> (x) viable <input type="checkbox"/> () no longer viable	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 2002-05-22

Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

Mark with a cross the applicable box.

Fill in if the information has been requested and if the results of the test were negative.